APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,317	04/19/2004	Tony Larsson	0119-176	1069

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EXAMINER
REDDIVALAM, SRINIVASA R

ART UNIT	PAPER NUMBER
2419	

NOTIFICATION DATE	DELIVERY MODE
08/26/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

tammy@ppglaw.com

Advisory Action **Before the Filing of an Appeal Brief**	Application No. 10/826,317	Applicant(s) LARSSON ET AL.
	Examiner SRINIVASA R. REDDIVALAM	Art Unit 2419

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>01 August 2009</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

     Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

     NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: <u>1-4 and 9-19</u>.

   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.

13. ☐ Other: _____.

/Chirag G Shah/
Supervisory Patent Examiner, Art Unit 2419

Continuation of 11. does NOT place the application in condition for allowance because:

In pagesIn pages 3-4 of Applicant's Remarks, regarding independent claims 1, 9 and 12, Applicant mentions that Morris' text is not concerned with determining a route between a source node and a destination node in an existing network, and therefore does not teach sending a request for route discovery between a source node and a destination node over existing subnetworks. Without this, there is no concept in Morris of detecting whether any such route discovery attempt fails, and in response to such failure forming and/or reforming one or more subnetworks. However, Examiner respectfully disagrees to these Applicant's statements. See page 4, para [0029] wherein Morris clearly teaches that a wireless node (i.e. a source node) initially listens for the presence of advertisements from other wireless nodes (i.e. destination nodes) in the existing piconet is mentioned which is equivalent to requesting for route discovery between the source node and the destination node over the existing network, and also is mentioned that if the wireless nodes does not detect the advertisement (see Fig.3, block 178), then wireless node issues initial advertisement to establish new piconet (see Fig.3, block 180) which is equivalent to determining a route between the source node and the destination node by forming and/or reforming one or more subnetworks in response to determining that said request for route discovery between the source node and the destination node over existing subnetworks fails. Cansever teaches in an ad-hoc network wherein data packets are sent from a source node to a destination node via an established route, a source node (see node i in Fig.5) comprising: means (see Transmitter/Transceiver block 512 in node i in Fig.5) for requesting route discovery between the source node and a destination node over existing subnetworks (see col.7, lines 13-20 wherein generation of a route request packet from a source node to destination node to initially identify a path from source to destination in MANETs is mentioned); means for determining (see Receiver/ Transceiver block 512 in node i in Fig.5) whether said request for route discovery between the source node and the destination node over existing subnetworks fails (see col.7, lines 36-38 wherein source node not receiving a reply packet within a specified period of time is mentioned); and means (see Processor block 504 in node i in Fig.5) for determining a route between the source node and the destination node by forming and/or reforming one or more new connections in response to determining that said request for route discovery between the source node and the destination node over existing subnetworks fails (see col.7, lines 59-61 wherein establishment of a new path is mentioned when the existing path becomes unusable due to node mobility, etc.).
Thus Cansever in combination with Morris teach all the limitations of claims 1, 9 and 12 as presented in the previous office action.

In page 5 of Applicant's Remarks, Applicant further mentions that
 • "Listening for the presence of advertisements" cannot reasonably be considered equivalent to "requesting for route discovery between the source node" at least because "listening" does not initiate or cause route discovery to take place, nor does it involve identifying particular source and destination nodes. However, the Examiner respectfully disagrees to this statement of the Applicant because when a wireless node (i.e. source node) initially listens for the presence of advertisement from other wireless node (i.e. destination node), it involves requesting for route discovery between the source node and the destination node and that way, if the source node detects the advertisement, it negotiates with the other node (i.e. destination node) to institute the master/slave relationship for communication. Morris et al. also (see page 2, para [0018]) teach clearly that each node transmitting an advertisement, identifies its address & the services it offers to the master node.

 • In page 5 of Applicant's Remarks, Applicant further mentions that a wireless node issuing an initial advertisement to establish a new piconet cannot reasonably be considered equivalent to determining a route between the source node
and the destination node ..." at least because the advertisement does not identify particular source and destination nodes. However, the Examiner respectfully disagrees to this statement of the Applicant because Morris et al. teach (see Fig.3 & para [0029]) that upon failure to detect an advertisement, the wireless node (i.e. source node) initiates establishment of a new piconet and transmits internetwork management broadcast to find the route for other slave/destination node.